



## October surprise: A new electoral law

*Just in time to fuel another round of speculation about early elections, a new concept of Fidesz' proposals for new electoral rules emerged, supplanting an earlier proposal, which is still languishing in committee. In two parts, published this week and the coming week, we will review this proposal and its likely effects in detail. In part I below, we will discuss how ethnic Hungarians abroad will be integrated into the system, as well as the more stringent conditions concerning ballot access. The first is very likely to favour Fidesz, though it is difficult to predict whether it will have a major impact. Ballot access requirements go from too strict to openly disdainful of change: without access to the resources and known personalities of an established party, new forces have little hope to even enter into a race under the new regime.*

It's as if Fidesz would go out of its way to feed the rumours started by former PM Ferenc Gyurcsány (and many others). At a meeting with supporters last week, Gyurcsány said that Fidesz might soon wish to call early elections. We think it is unlikely, however it sure does look tempting.

The economy seems to be inexorably headed towards a recession and the governing party is increasingly giving even its own supporters migraines. Opinion polls show that the opposition is still far from strong enough to defeat Fidesz. Thus the governing party could most probably snatch victory from the jaws of its precarious future. Probably it would not be a two-thirds victory, but enough to give Fidesz four years to weather the brunt of the economic downturn safely ensconced in Kossuth square.

And so to keep the rumour mills churning, Fidesz has presented the basic details of its second – and probably final – proposal for reforming the electoral law. Though it resembles the earlier proposal that was submitted shortly after the election last year and was nigh forgotten in many details, it also modifies crucial aspects thereof.

Why a new proposal now, it would appear reasonable to ask, but we'll leave that to the soothsayers. What interests us most for now is what the new law would do.

### **Suffrage to all**

Most importantly, it would give suffrage to Hungarians abroad. While several of the major changes the law introduces will lead to shifts in the political landscape, this one has the greatest *potential* (we emphasise potential because it is very difficult to predict how many ethnic Hungarians abroad will actually apply for citizenship or will exercise their right to vote) to be *visibly* seismic.

Most realistic estimates put the number of ethnic Hungarians outside our borders at ca. 2.5 million. Realistically, the number of those applying for citizenship will be far less even than the voting age portion of this number, and those exercising their right to vote will be fewer

still. But previous elections results suggest that even a hundred or two hundred thousand additional votes on one side can often change election results. And there is no doubt that most of these votes will support the right, for two reasons.

For one, the ethnic Hungarian community does lean to the right in the Hungarian domestic context. Maybe not as much as some on the left claim, but definitely more than the average Hungarian resident. More importantly, however, such an attitude will be even more characteristic of those who actually choose to adopt Hungarian citizenship, which is mostly a symbolic act at this point.

## **Unequal voting rights**

To be fair, though, Fidesz put forth a proposal that gives non-resident citizens only half a vote, since – despite (alleged) intense lobbying by Speaker of Parliament László Kövér – there will be no single-member constituencies outside Hungary. Non-residents will cast a ballot for the national list but they won't have dedicated MPs, meaning their votes will only be worth half that of those in Hungary proper.

If this survives a constitutional challenge on the grounds of unequal franchise (the Constitutional Court is no friend of such differences, having struck down the current arrangement of electoral boundaries on account of the different weight it accords to votes depending on the place of residence), then Fidesz will also have done a little to assuage the concerns of the majority of citizens about this issue.

## **Access denied**

In the context of suffrage for Hungarians abroad, we spoke of visible effects. But an invisible effect is likely to be greater still: the inability of getting on the ballot. Though this is already a widespread phenomenon, it does not receive as much attention as it deserves. Especially since it is likely to get worse.

Fidesz encumbers ballot access in two ingenious ways. The most obvious is the requirement that candidates in single-member districts collect 1,500 endorsement sheets instead of 750 (it is fair to mention that the constituencies will be bigger as well), and they have three weeks instead of six weeks as today.

Arguably, this is important in and of itself, for many candidates have failed to clear even the lower hurdle before. But it's interesting especially because the number of single-member constituency candidacies is a key component of the most important ballot access requirement: that of running a national list.

## **Democratic politics as a gated community**

Let's look at the current requirements for a second, pointing out in advance: they are far too strict already. To run a national list, a party must have managed to field lists in at least seven counties, requiring candidates in a quarter (but at the minimum two) of the single-member constituencies in each county. This takes a minimum of 14 single-member constituency candidates. In 2010, when frustration with the political elite was already rampant, a mere six parties managed to put a national list on the ballot.

Fidesz' proposal would completely do away with regional lists and instead require at least 27 single-member constituencies to qualify for a national list, extending to nine counties and Budapest. So that is the crux of making single-member constituencies candidacies: making national lists difficult.

But that is not all. Though this detail is not available yet, Fidesz' earlier draft – which contained softer requirements on the whole – also made it harder for a joint list of two or more parties to put their national list on the ballot: they would have had to successfully nominate 46 candidates. So the most rational avenue for a new party to gain a national foothold in light of the strict ballot access requirements, combining forces with others, is extremely difficult as well.

## **A method to it**

In light of the fact that a majority of Hungarians do not like any of the current parliamentary parties, this is of course a deft move: there is clearly a considerable craving for new forces and this desire might pose the biggest challenge for Fidesz. Mounting a challenge from the outside, however, while not impossible, has in fact become far less likely in light of the new rules.

This means that it is increasingly likely that Fidesz will be facing the same challengers in the 2014 (or earlier) election which it is facing in Parliament now. Not only are these known quantities, but they are also hobbled by major weaknesses that appear insurmountable. MSZP is haunted by its two terms in government, Jobbik is unlikely to make major gains in Budapest or even in Western Hungary, which seriously limits its growth potential, and LMP is too green, in both the metaphorical and the policy sense of the term. This is not a bad constellation for Fidesz, and the new election system can help it in other ways, too. Next week we'll explain how.